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10/540,301	05/05/2006	Richard Hatch	893-012278-US (PAR)	3616
2512	7590	05/14/2009		
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER LIANG, REGINA	
			ART UNIT	PAPER NUMBER
			2629	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,301	Applicant(s) HATCH, RICHARD	
	Examiner Regina Liang	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13, 15, 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to amendment filed 4/13/09. Claims 1-4, 6-13, 15 and 16 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-13, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rhodes (GB 2 369 750).

As to claim 1, Rhodes discloses a data communications device, comprising:

a receiver for receiving items of textual information contained in a text message (see Fig. 2, the text message is composed using the keypad 3, the text is inputted into the display region, the controller 8 of the device receives the textual information from the keypad which corresponds to the claimed receiver),

a plurality of keys (keys for keypad 3, Fig. 3) each associated with a respective plurality of different text characters, the keys being operable by the user to produce an ambiguous key sequence corresponding to an item of textual information (page 6, lines 5-25),

a memory (flash memory 10, Figs. 2, 4) configuration to store different ones of said ambiguous key sequences and to associate with each thereof at least one item of textual information corresponding to the ambiguous key sequence,

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a data processor (controller 8) operable in response to the user actuating the keys to produce one of the ambiguous key sequences, to retrieve the textual information associated therewith from the memory (memory 10) configuration to permit the user to disambiguate the key sequence (page 2, line 23 to page 3, line 7),

wherein the receiver is coupled to the memory configuration, and is operable to identify, based on knowledge of the association of text characters to the plurality of keys, an ambiguous key sequence corresponding to an item of received textual information, and to store the item of received textual information in the memory configuration such that it is associated with the identified ambiguous key sequence (page 2, line 23 to page 3, line 7, page 10, lines 20-26, and see Fig. 6, steps 6.5 and 6.6 for example).

As to claim 2, Rhodes discloses a display device (5, Figs. 2 and 3) to display the text items retrieved by the processor (controller 8) so as to enable the key sequence to be disambiguated.

As to claim 3, Fig. 1 of Rhodes discloses a mobile telephone handset.

As to claim 4, Rhodes discloses the device comprising a PDA (page 1, lines 3-5).

As to claim 6, Rhodes discloses the text message is an SMS message (page 5, lines 15-20).

As to claim 7, Rhodes discloses the text message is an email message (page 11, lines 30-32).

As to claim 8, Rhodes discloses the device configured for composing and sending text message (page 3, lines 12-14, page 5, lines 15-20).

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As to claim 9, Rhodes discloses the device configured for composing and sending an SMS message (page 5, lines 15-20).

As to claim 10, Rhodes discloses the device configured for composing the sending an e-mail (page 11, lines 30-32).

As to claim 11, Rhodes discloses the items of textual information are individual words (page 6, lines 14-19).

As to claims 12, 13, Figs. 2 and 4 of Rhodes discloses the memory (10) containing a dictionary of stored words (disambiguation dictionary 19), and a predictive text editor (disambiguation software) coupled to the memory to enable prediction of words input by a user, and a receiver for receiving text messages (the text message is composed using the keypad 3, the text is inputted into the display region, the controller 8 of the device receives the textual information from the keypad which corresponds to the claimed receiver), characterized in that the receiver selectively stores words contained in the text messages in the memory for use by the predictive text editor (see Fig. 2, and page 6, lines 5-25, and page 10, lines 20-26, Fig. 6, step 6.5 for example).

As to claim 15, note the discussion of claim 1. Figs. 1-5 of Rhodes disclose a method of programming a communication device as claimed.

As to claim 16, Fig. 6 of Rhodes discloses the method as claimed (see steps 6.5, 6.6 for example).

Response to Arguments

4. Applicant's arguments filed 4/13/09 have been fully considered but they are not persuasive.

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In response to applicant's argument on page 7 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., automatically extracting textual information directly from an incoming text message or that text (or items of textual information) is received in a message and that textual information is automatically extracted in the disambiguation software) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant's claimed limitation does not define over Rhodes since Rhodes teaches the controller 8 (Fig. 2) receives the composed text message inputted from the keypad, which reads on the receiver as claimed. Fig. 2, 4 and 6 of Rhodes also teaches the controller (receiver) is coupled to the memory to selectively store the item of received textual information (steps 6.5 and 6.6 in Fig. 6).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Regina Liang/
Primary Examiner, Art Unit 2629